

Appln. No. 10/695,715
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REMARKS

The following remarks are respectfully submitted.

Elections/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17, drawn to an implantable component, classified in class 174, subclass 50.59
- II. Claims 18-40, drawn to method for forming a feedthrough assembly, classified in class 427, subclass 210.

Applicants affirm the election of group I, claims 1-17, per the telephone conversation with the Examiner on April 1, 2004.

Claim Rejections – 35 USC § 102

Claims 1, 4, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson et al. (US 4,424,551, hereinafter Stevenson '551). Claims 1, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson et al. (US 6,275,369, hereinafter Stevenson '369).

Applicants traverse the rejection of claims 1, 4 and 13-17 asserting that Stevenson '369 and Stevenson '369 do not teach each and every element of the claims. The following arguments point out specific distinctions believed to render the claims patentable over the cited references.

Claim 1 defines an implantable component including a feedthrough assembly that comprises a backfill deposited over an insulator, the backfill including a coating forming a fluid barrier over the insulator, over an insulator-to-ferrule interface and over an insulator-to-terminal pin interface. Although Stevenson '551 describes a feedthrough assembly including a backfill, Stevenson neither teaches nor suggests that the backfill include a coating.

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Applicants respectfully point out that item 36, identified as the Examiner as a coating, is not described by Stevenson as a coating; rather, Stevenson '551 describes "an electrically conductive solidifiable fluidic connecting material 36" whose function is to make "a solderless electrical connection...between the buses of capacitive structure (20) and the respective conductive surfaces of the canister in which the capacitive structure is disposed" (column 5, lines 6-11). Furthermore, this function of connecting material 36, to electrically connect, can in no way be likened to forming a fluid barrier and Stevenson '551 never teaches the need for such a barrier nor suggests that material 36 may form such a barrier.

Regarding Stevenson '369, applicants respectfully point out that item 22 is a capacitor (column 2, lines 10, 26, 38, 60-61, column 7, line 7, etc...) and not a backfill as suggested by the Examiner, thus Stevenson '369 neither teaches nor suggest a backfill including a coating forming a fluid barrier, which is an element of claim 1 of the present application.

In light of the above, applicants respectfully request that the Examiner with the rejections of claims 1, 4, and 13-17.

Claim Rejections – 35 USC § 103

With respect to joint inventors, the Examiners presumption, that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made, is correct.

Claims 2, 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson et al. (US 4,424,551).

Applicants traverse the rejection of claims 2, 3, 9 and 10 and submit that these claims are patentable based on the arguments presented herein for claim 1, on which these claims depend. Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 3, 9 and 10.

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Allowable Subject Matter

Claims 5-8, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants assert claims 5-8, 11 and 12 are patentable in their present form. Applicants respectfully request that the examiner withdraw the objection to claims 5-8, 11 and 12 based on the arguments presented herein for patentability of the base claim.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Respectfully submitted,

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Date

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